

Remarks

I. The Examiner has rejected Claims 1-8, 11-12, 39, 41-42, 44, 49-52, 54-55, 57-59, 61-62, 64-65, 66-70, 72-74, 76-77, 79, 81, 85-87, 90-94, 110, 114-116, 118, 120, 122-125, 127 and 132-133 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,257,547 (Terase).

Before addressing specific rejections made by the Examiner, the Applicant would like to summarize the fundamental differences between the system disclosed by Terase and the present invention. The Terase system is essentially an automated restaurant system wherein customers check themselves in, seat themselves, order their own food, etc. Wait staff is only employed when needed, such as to deliver food. The staff is available on an “as-needed” basis wherein the next available staff person handles the next task that needs to be completed. For instance, if the food is ready for Table 3, the next available staff person will pick up the food and deliver it to Table 3. The system revolves around a worktable, containing a worktable terminal (15). Staff waits at the worktable to be assigned a task.

The staff in Terase carry PHS units, which are basically walkie-talkie type devices having a rudimentary data communications capability consisting of indicator lights to indicate to the staff person when a task needs to be completed and one or more input buttons such that the staff person can indicate when a task has been completed.

The present invention, on the other hand, provides the staff with sophisticated portable computers having interactive touch screens which can be used to show a variety of information and which allow the staff person to input various types of data and queries. The staff are assigned to specific patrons or to specific zones of responsibility, such as an area at a hotel pool. Therefore, they are able to keep track of and monitor those patrons to whom they are assigned.

The Applicant will now address specific rejections of the claims made by the Examiner.

The Examiner states, with respect to Claims 1, 39, 50, 59, 69, 86, 94 and 110 that Terasé teaches all elements of the claim. The Applicant has amended Claim 1 of the application to specify a system consisting of one or more central computer systems, a plurality of patron units and a plurality of staff units, each having various and specific functions. The Applicant believes that amended Claim 1 is patentable over Terasé because several of the claim elements of the amended claims address functions which are not disclosed by Terasé.

First, Terasé does not disclose an interactive portable staff unit which is carried by staff throughout the venue. The claimed staff unit of the present invention includes an interactive display which allows the staff member to send requests to the central computer for information regarding various aspects of the venue including patron information, outstanding requests for which the staff is responsible, status of various requests made by patrons and a map of the venue showing the locations of one or more of the patron units for which the staff member is responsible. This information is displayed on an interactive terminal. In addition, the staff units of the present invention can emulate a patron unit, allowing the staff member to input the order or request of a patron when the patron is unable or unwilling to do so via a patron unit.

The staff members of the Terasé system however, are equipped with PHS terminals which do not allow the interactive querying capabilities of the staff units of the present invention. The terminals carried by the staff of Terasé are described in Terasé at column 9, lines 60-64 as follows:

The PHS terminals 22 issue commands to respective terminals by verbal or visual signals, and are light in weight and easy to handle. Employees can respond to commands without holding the PHS terminals 22 with hands, where they use earphones and put them on arms or the like.

Thus, much of the communication between the central computer of Terase and the staff persons is verbal in nature. In particular, the staff units of Terase do not disclose that the staff units may (1) display a map showing the location of the patron units; (2) display information regarding past requests from particular patrons; and (3) allow staff members to input requests for patrons.

Additionally, the present invention claims one or more central computer systems which provide functions not specified or disclosed by Terase. First, The Terase system does not disclose identifying patrons by location or by a specific identifier, such as a name or room number in the case of patron who is a guest at a hotel. Instead, the location information in Terase is obtained from a tabletop terminal receptacle (12) which is hardwired with the table number. In addition, Terase does not disclose the storing of information regarding past requests from each patron, nor does Terase disclose a central computer which receives and processes requests from a plurality of staff. Lastly, Terase does not contain an interface to an external point of sales system, because Terase essentially operates as the point of sale system for the venue.

As a result these modifications to Claim 1, the Applicant respectfully submits that the present invention as claimed has been distinguished from Terase and that the rejection under § 103(a) should be withdrawn in view of the amendments.

The Examiner states, with respect to Claims 2 and 61, that Terase teaches offering interactive video games, music, movies and internet access and voice and telephoning accessing to patrons. The Examiner has cited Terase at Col 11, lines 32-41 and Col 12, lines 18-22 as evidence that the content included games, etc. is disclosed by Terase. The Applicant is in disagreement with this interpretation of Terase. Terase indicates that the table top terminal 10 is used for enabling the use of a “game machine”, not that the games are able to be played on tabletop terminal 10. Likewise, in column 12 at line 37, an additional reference to the “game machine” is made. The “game machine” of Terase therefore appears to

be a separate machine which is not part of the core Terase system. Claim 2 has been amended to make it explicit that these services are offered “via the patron unit” and as a result, claim 2 of the the present application is thereby distinguished from Terase. With respect to Claim 61, Claim 61 claims that a central computer is directed to perform the functions of distributing content to portable patron units and portable staff units, where claim 61 is specific in that the content includes services offered by the venue. However, Terase does not disclose the offering of services through its system, it only specifies the ordering of menu items at a restaurant type service establishment. As such , claim 61 is also distinguishable from Terase.

With respect to Claims 3 and 67, the Examiner states that Terase teaches routing orders and/or requests to appropriate fulfillment centers responsible for handling the orders and other requests for the venue. The fact that the present invention includes multiple fulfillment centers indicates that requests for goods and services must be routed to the appropriate fulfillment center. In Terase, however, the only fulfillment center disclosed is the kitchen for supplying food and beverages which are to be delivered to the customer. Therefore, there is no routing involved. All requests go directly to the kitchen for processing. As a result, Terase does not teach the routing of requests to the appropriate fulfillment center as claimed in Claims 3 and 67.

With respect to Claims 4, 52 and 68, the Examiner states that Terase teaches routing orders and requests to appropriate fulfillment centers responsible for handling the requests and notifying particular portable staff units when specific orders and requests are ready for delivery. As discussed, there is a fundamental difference between the Terase system and the present invention, in that food ready for delivery is brought to a central work table from which any available wait staff is dispatched to deliver the order to the customer. This is specified in Terase at column 12, lines 64-67, which states as follows:

In this state, the store control unit 20 automatically looks for a free, or unoccupied, employee, and notifies delivery ready information to the PHS terminals 22 carried by the employees. (emphasis added)

In Claim 4, the present invention claims the step of notifying particular portable staff units when specific requests are completed or ready for delivery from the appropriate fulfillment centers to the patrons. Further, Claim 4 has been amended to specify that the particular staff member responsible for the order is notified via the portable staff unit that the order is ready for delivery. This distinguishes the present invention from Terase, which does not implement the concept of a particular staff member being responsible for specific customers and their orders. Claim 52 has a similar limitation and claim 68 has been amended in a manner similar to claim 4. Note that not only does Terase does disclose the portable staff units of the responsible staff member but also does not disclose an order being ready for delivery from a fulfillment center, but only from the work station table. As previously stated, orders are taken to the work station table where they are picked up by the staff.

With respect to Claims 5, 44, 79, 92 and 116, the Examiner states that Terase teaches enabling patrons to page staff members for immediate assistance via the patron units. Claim 5 has been amended to specify that the patrons may page staff members which are assigned to that particular patron. This is in contrast to Terase, in which a call button is touched to call any employee to the customer's table much like the call button to call for assistance in an airplane. Terase states, at column 11, lines 31-40 that "a plurality of employees may be called in this case." Likewise, Claims 44, 79, 92 and 116 have been amended in a similar manner to specify that the notification or page goes from the patron to the staff member which is assigned to that particular patron.

With respect to Claims 6, 57, 66 and 93, the Examiner states that Terase teaches enabling patrons to request bills via the patron units. The Examiner states that this is disclosed in column 13, lines 26-55. This however is not what is disclosed in that passage. In the present invention, patrons can request that

their account be closed and that the bill be delivered to their table by their server. However, Terase works in a different manner. In Terase, when the customers are done dining they select a payment button and their account is closed out. A wait staff then comes and escorts the customer to the cashier where the bill is settled. Terase states:

[A] free, or unoccupied employee will be selected in order to inform [sic] that the customers wish to pay, on the PHS terminal 22. Then, the employee guides the customers to the cashier.

Therefore, in Terase, the customer's bill is not delivered to the table but, instead, the customer is delivered to the cashier by the employee. Likewise, Claims 57, 66 and 93 also allow the customer to request delivery of their bill to their location and are likewise distinguishable from Terase.

With respect to Claims 7 and 65, the Examiner states that Terase teaches displaying a status of open orders and requests on the portable staff units. The Examiner states that this is disclosed in Terase at column 12, line 40 - column 13, line 25. However, this passage says nothing about the status of the orders or requests being shown on the portable staff units. This passage clearly states as follows:

The information [regarding the order status] is indicated in white on the kitchen terminal 16 and work table terminal 15. Further, the information is transmitted to the PHS terminals 22 of employees at the work table, and is indicated on the table top terminal 10.

It would appear from this passage that the status of the orders appears as a colored indicator on the kitchen terminal 16, work table terminal 15 and tabletop terminals 10. However the passage only states that the information is transmitted to the PHS terminal 22 of employees who are at the work table. There is no indication that there is a display of the status of open orders or requests on the portable staff units, only that information is "transmitted" (note that at all other location, the order status is "indicated", but not at the PHS terminals). Although Terase is not specific in saying what is done with

this transmission, it is likely that the employee is notified via an audible message or lit indicator light that an order is ready. This is further evidenced by the passage at the top of column 13. Apparently the PHS terminal 22 carried by the staff receives an indication that something needs to be done, but the staff needs to check at work table terminal 15 to determine what it is that needs to be done. This passage states as follows:

When observing the indication on the PHS terminal 22, the employee checks the cooked dish with reference to the specified dish and table number on the work table terminal 15.

Thus, the status of the actual orders can only be seen by the wait staff from the work table terminal 15, after the staff member has received an indication that something at the work table needs to be checked. Both Claims 7 and 65 have been amended to include the limitation that the status of a particular patron (patron's order) assigned to a particular staff member is displayed on the staff units of those staff members, which further distinguishes these claims from Terase.

With respect to Claim 8, the Examiner states that Terase teaches displaying, on portable staff units, actions performed by patrons using the patron units as the actions are being performed in real time. The Examiner cites passages in column 11 and column 13. The passage in column 11 allows the staff member enabling a game machine via the table top terminal 10. The passage in column 13 describes a payment process which includes the customer pressing a payment button and a staff member proceeding to the customer's table and escorting them to the cashier's station. Nowhere in either of these passages or any where else in Terase is the limitation of Claim 8 disclosed, that being that the actions performed by patrons on the patron's units are displayed on the portable staff units. Note that the Examiner makes a rejection of claims 55, 91 and 115 later in the office action, which contain essentially the same limitation as claim 8.

With respect to Claims 11 and 62, the Examiner states that Terase teaches displaying advertisements on the patron units. The system described in Terase does allow the displaying of advertisements (“commercials”) and, as a result, Claims 11 and 62 will stand as being dependent upon patentable parent claims.

With respect to Claims 12, 49 and 85, the Examiner states that the feature of displaying advertisements which were pertinent to the item being ordered or service being requested by the patrons is disclosed in column 11 at lines 49-64. This portion of Terase discloses the display of menus of the establishment on the table top terminal 10 and includes information such as calories, nutrients, etc. as well as a potential photograph or other display of the dish. Nowhere in this passage is an advertisement pertinent to the item being displayed. The only advertisements disclosed by Terase are in the passage previously cited by the Examiner in column 12, lines 18-24, where commercials of adjacent stores or shops maybe displayed. Therefore, this limitation is not disclosed by Terase.

With respect to Claims 41, 64 and 76, the Examiner states that Terase teaches directing the patron to display preference information of the patron including special needs and requests of the patron and the information associated with the patron from prior visits to the venue. The Examiner states that this is disclosed in column 9, lines 23-38 and in column 11, lines 47-64. The passage in column 9 indicates that the accounting unit casts (closes ??) a customer’s account and then stores information regarding the particular “kind” of customer, which may be discerned from the customer’s answers to various questionnaires which are presented during the dinning experience. Nowhere in column 9 is it disclosed that the preference information is displayed on the patron unit. This particular feature would be useful, for example, if the patron should wish to order another round of the same drinks or food items as previously ordered. With respect to the cited passage in column 11, this particular passage indicates that there are a plurality of menus which are available based upon the kind of customer including, for

example, children, women, senior citizens, etc. However, nowhere in this passage does it disclose that preference information of a particular patron is kept and as a result, there can be no display of the information which is pertinent with respect to a particular patron.

With respect to Claims 42 and 77, the Examiner states that Terase teaches directing a patron unit to display real time status information related to a pending order. Both Claims 42 and 77 have been amended to replace the phrase “display of real time status information related to a pending order” with the phrase “display an estimate of the time to completion of a pending order”. Terase fails to disclose this limitation and only may display the status of an order as it is moved, for example, from the kitchen to the work station table and from the work station table to the table of the customer (via a colored indicator on the work table terminal or the kitchen terminal).

With respect to Claims 51 and 86, the Examiner states that Terase teaches directing a portable staff unit to indicate whether an order has been delivered to the patron. This particular feature of Terase is disclosed specifically in column 13, lines 14-18, which states as follows:

In step S13, the employee delivers the cooked dish to the destination ... and inputs the completion of delivery to the table top terminal 10. This information is transmitted from the PHS terminal 22 to the worktable terminal 15. The dish on the work table terminal 15 is now indicated in green. (emphasis added)

As can be seen from this passage, the employee who delivers the cooked dish to the patron notes that the delivery of the order has been completed to the table top terminal 10 on the customer's table. There is no teaching in Terase of allowing a staff member being able to input this information to a portable staff unit or having the portable staff unit display whether an order has been delivered to the patron or not. This information in Terase is displayed on the work station table terminal 15, as previously discussed.

With respect to Claims 54, 90 and 114, the Examiner says that Terase teaches directing a portable staff unit to display patrons that are wirelessly logged into a wireless network for the venue. The Examiner state that this is disclosed in column 6, lines 53 – column 7, line 5. This particular passage of Terase gives details of the PC functional unit 101, which is shown in Figures 3 and Figures 4 and indicated as being a guide display terminal and an accounting unit respectively. There is no discussion of the portable staff units here and, in particular, no discussion of portable staff units which are able to display all patrons that are logged into the network or venue. As a result, these claims are distinguishable from Terase.

With respect to Claims 55, 91 and 115, the Examiner states that Terase teaches directing a portable staff unit to display real time activity of a patron which is performed concurrently on a portable patron device. This is the same limitation as Claim 8 which the Applicant has previously discussed.

With respect to Claim 58, the Examiner states that Terase teaches a portable staff unit displaying messages received from the venue management and cites the Abstract, column 5, lines 8-13 and column 14, lines 29-41. The Applicant can find no disclosure in the Abstract of this feature. The cited passage in column 5 talks about the store control unit 20 functioning as a point of sale (POS) system, but says absolutely nothing about the display of messages on the portable staff units. Likewise, column 14 discloses the guide display 18, which is the computer which allows a customer to check into the restaurant. This passage also describes one of the employees operating a PHS terminal to indicate the he or she will attend to the customer. However, no disclosure is made here of the portable staff unit displaying messages which are received from the venue management.

With respect to Claim 70, the Examiner states that Terase teaches a portable patron unit being a dedicated device capable of being handheld and carried by the patron and or staff member and the portable patron unit provided to patron upon checking into the venue stating that this is displayed in

column 10, lines 57- column 11, line 21. However, this passage indicates that the patron unit be a table top terminal 10 which is placed in a terminal receptacle 12 at the table. It is necessary that the table top terminal 10 stay in the terminal receptacle 12 because the receptacle contains information regarding the location of table top terminal 10. Terasse states as follows:

The identification of the table top terminal 10 is read from the terminal receptacle 12... The customer's orders and account will be processed on the basis of the identification code of the table top terminal 10.

As a result, the Applicant respectfully submits that the patron unit is not portable and is not provided to the patron upon checking into the venue or when the patron enters a particular public area of the venue. The table top terminals units are stationary at the tables of the restaurant and do not move unless they must be recharged.

With respect to Claims 73 and 123, the Examiner states that Terasse teaches that the display device has a touch screen display device. The Applicant concedes that Terasse discloses the table top unit having a touch screen display and that these claims will stand as patentable as being dependent on a patentable parent claim.

With respect to Claim 74, the Examiner says that Terasse teaches a package configured to provide protection against sun, suntan lotion, etc. at column 16, line 57. This particular line of Terasse teaches that the units are watertight and protected against bacteria. However, there is no disclosure of protection against the sun.

With respect to Claim 81, the Examiner states that Terasse teaches that the user interface is configured to display messages to the patron using the portable patron unit and that this is disclosed in column 11, lines 32-40. As previously discussed, this passage of Terasse teaches that the patrons are able to press a call button if they wish to play games on a "game machine". There is no disclosure in this

passage or anywhere else in Terase of the user interface being configured to display messages to the patron on the patron unit.

With respect to Claim 118, 120, 122, 124, 125 and 127, the Examiner states that Terase teaches all the limitations of the claims except the use in a stadium arena and refers the Applicant to the rejection of Claims 1, 39, 50, 59 69, 86, 94 and 110. As a result, all of the comments above with respect to these claims apply to the rejected claims as well and for those reasons alone, the Applicant submits that these claims are patentable.

With respect to Claim 132, the Examiner states that Terase teaches the patron units storing data indicative of a location of the patron unit at column 10, lines 46 – column 11, line 9. This interpretation represents a misreading of what is disclosed in Terase. Terase, as previously discussed, clearly states the location or identification code of the table top terminal 10 is stored in the terminal receptacle 12 into which the table top terminal 10 is placed. Therefore, the Terase equivalent of the patron unit, the table top terminal 10, does not contain any information regarding the location information or identification code. The table top terminal 10 must be placed in the terminal receptacle 12 to gain knowledge of its location. As a result, the limitation of claim 132 is not disclosed by Terase. Likewise, with respect to Claim 133, the Examiner states it would have been obvious to use a room number instead of a table number which was disclosed by Terase. However, the Applicant is in disagreement with this as the table number is clearly obtained from the table top unit 10 being the receptacle 12 of a specific table. The table top receptacle 12 would clearly not be able to provide the room number or name of a guest at the venue (presumably a hotel in this case).

II. The Examiner has rejected claims 9 and 82 under 35 U.S.C. § 103(a) as being unpatentable over Terase in view of U.S. Published Patent Application 2002/0026364 (Mayer, et al.). The Examiner states that Terase does not disclose displaying food and beverage specials offered by the venue on the patron units, but that Mayer discloses such a feature in paragraph 22. The Applicant is in disagreement that the combination of Terase and Mayer would render this feature of the application obvious. Mayer teaches a system wherein the staff is provided with a PDA-like device on which can be displayed the menu items and other information important for the staff member to use in servicing the customer. Included in this information may be the daily specials which the staff member would be able to read from the device and recite to the customers. This is the equivalent of the waiter having a pad of paper with the daily specials written thereon which is read and recited to the customers. There is no disclosure in Mayer of the customers themselves being able to read the daily specials or other information from a portable terminal or terminal provided at their table and, in fact, no such device is disclosed by Mayer. Therefore, no combination of Terase and Mayer discloses this feature of the invention.

III. The Examiner has rejected Claims 10, 47 and 83 under 35 U.S.C. § 103(a) as being unpatentable over Terase in view of U.S. Published Application 2004/0054585 (Baratz). As with Mayer, Baratz discloses a system that is used solely by the staff of the venue. Paragraphs 72-75 disclose a system wherein a cashier is presented with an opportunity to up-sell patrons based upon what they have already ordered, for example, suggesting an additional drink when more meals than drinks have been ordered. As a result, there is no disclosure in Baratz of a patron unit displaying up-sell or cross-sell information. As a result, no combination of Baratz and Terase discloses the use of a patron unit to up-sell or cross-sell items to the patron. There is a difference between having up-sell and cross-sell information presented

directly to the patron on the screen of a patron unit and presenting that information to a staff member who then tries to up sell the customer.

IV. The Examiner has rejected Claims 40, 63 and 75 under 35 U.S.C. § 103(a) as being unpatentable over Terase in view of U.S. Published Application 2002/0138350 (Cogens). The Examiner states that Terase is silent regarding having the patron unit display an item previously ordered by the patron to enable the patron to reorder the same item, but the Cogens discloses this feature in paragraph 10. The Applicant is in agreement that Cogens discloses a system which allows users to order previously ordered items at a restaurant. The difference appears to be that the units in Baratz are owned by the customer and it is necessary to download software into the unit to implement the storage of the previous orders. Therefore, the combination of Terase and Baratz does not disclose a patron unit being able to display previous orders of the patron.

V. The Examiner has rejected Claim 43, 71-72, 78, 129-131, 139-140 under 35 U.S.C. § 103(a) as being unpatentable over Terase in view of U.S. Patent 5,845,263 (Camaisa). With respect to Claims 42, 178, 134 and 139, the Examiner states that Terase teaches the elements of the claimed invention except for allowing the patron unit to authenticate a patron before an order is fulfilled. The Applicant concedes that it is well known in the art to authenticate the identify of a user of a computer system via a login requirement which may require user name and/or password. The Camaisa system, however, is not a venue specific system. The login feature is only implemented when the user orders from his home PC most likely via a website, to which the user has to identify himself. Therefore, the combination of Camaisa and Terase is not exactly on point regarding this feature.

VI. Claims 52, 52, 112 and 113 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Terasse in view of U.S. Published Patent Application 2002/0147647 (Ragsdale-Elliott).

With respect to Claims 51 and 112, the Examiner states that Terasse teaches the elements of the claimed invention but is silent regarding directing a portable staff unit to display an order assigned to a particular staff member, but that Ragsdale-Elliott discloses such a feature in paragraph 89. However the Applicant's reading of paragraph 89 indicates that this feature is not disclosed. Paragraph 89 contains a description of the staff member having a pager-like device which enables two-way interactive communications between the waiter and the patron. This paragraph is devoid of a disclosure of a portable staff unit displaying an order assigned to a particular staff member or in fact, an order being displayed anywhere in the system.

With respect to Claims 52 and 113, the Examiner states that Terasse fails to teach a portable staff unit displaying orders assigned to a particular zone of responsibility, but that Ragsdale-Elliott discloses this in paragraph 89. Once again, the Applicant's reading of paragraph 89 of Ragsdale does not reveal this feature. Paragraph 89 of Ragsdale-Elliott includes a description of the patron being allowed to make visual orders and sending messages to at least one restaurant employee who is in possession of a two way interactive communications device. There is no disclosure of the displaying of a display of customer's requests to a staff member who is assigned to a particular zone of responsibility.

VII. Claims 135-139 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Terasse in view of U.S. Patent 5,794,207 (Walker). These claims of the present application are directed to a method of authentication using a biometric and, in particular, a fingerprint. Claims 137-138 have been cancelled. The Examiner states that Walker discloses this feature at column 25, lines 35 through column 26, line 2. The Applicant concedes that it is well known in the art to utilize a biometric for

authentication purposes and in particular a fingerprint and therefore relies on the parent claims of these rejected claims to support their patentability.

Conclusion

The Applicant has analyzed Terase and has pointed out several major differences between the present invention and Terase and, in particular, with respect to the limitations of the claims has pointed out various ways in which the present application differs from the disclosure made by Terase and the other cited prior art. As a result, the Applicant believes the claims as amended are in condition for allowance and respectfully requests reconsideration of those claims in view of these amendments and the supporting remarks. Should the Examiner have any questions, the Examiner is requested to contact the Applicant's attorney listed below. The Applicant thanks the Examiner for his thorough review of the application and looks forward to hearing the Examiner's response to the Applicant's remarks.

Respectfully submitted,



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Date: December 16, 2008